



Moving Forward Plan – ICS and Shakopee Public Schools

AGREEMENT

November 26, 2018

The following is an agreement between BHS/ICS and the Shakopee Public Schools. The agreement serves to protect the interests of the school district and to bring the current projects being worked on by ICS to final and successful completion.

- **Stewardship/Oversight:** Work that needs to be completed to ensure the District has done its due diligence related to the current contracts with ICS.
- **Completion of Projects:** ICS provides appropriate staffing, logistics, systems, and processes to successfully complete the construction/planning and scheduled commissioning work.
- **Financial Relief:** Financial relief provided to the school district by having ICS reduce costs on the project and cover additional costs incurred by the district for a third- party review of contracts and billings.

Further details surrounding these three areas are summarized below:

- A. Stewardship/Oversight:** ICS and the District agree to retain an independent accounting firm to review contracts with ISD # 720. The scope of this review will include:
- i. The fees charged for projects and if they are within industry standards.
 - ii. Review ICS billings on projects including fees and reimbursables. If any discrepancies are identified, ICS will remedy.
 - iii. Additional scope as determined by the auditor and agreed upon by ICS and Shakopee.
- B. Completion of Projects:** It is critical to successful completion of current projects, that the District and ICS maintain continuity of staff, processes, and systems to guarantee quality project execution. ICS will continue to committee Chris Ziemer, Ekalath Sophaphanh, and Dave Phillips to the District projects, along with Dana Fontaine who will oversee all commissioning projects.

All work from this point forward will be done under the supervision of Wold Architects and Engineers (Wold) and the District.

Work to be completed includes:

- **High School**

- On-going project completion and contractor work scopes close-outs
- On-going review and coordination of proposal requests (PR's)
- On-going punch list coordination and verification
- Warranty and close-out documentation compilation and warranty/issue resolution

- **South Site**

- Coordination of land negotiation efforts for rights-of-way
- Coordination and prep associated with turn lane work to be completed in Spring/Summer 2019
- Coordination and prep associated with remaining field work to be completed in 2019. With continued monitoring of turf establishment and possible use in Fall 2019 / Spring 2020. Athletic fields in Shakopee simply take a long time to establish due to the sugar sand soils that dry them out really fast even with irrigation.
- Other related claims

- **Other**

- FF&E coordination and assistance
- Signage coordination and assistance
- Technology equipment coordination and assistance
- LTFM integration and scope delineation/coordination on existing projects
- Re-commissioning of the existing High School (LTFM)
- Commissioning of "new work areas" of High School
- 2019 re-commissioning of Jackson and Eagle Creek

Communication, Reporting, and Oversight/Involvement (by area of service):

- **General Communications**

1. Monthly BOC meetings – all parties
2. Bi-weekly status updates – all parties

- **Ancillary Items**

1. FF&E – Nancy Thul, Wold, and ICS

2. Signage – Jeff Pawlicki, Wold, and ICS
3. Technology Equipment – Bryan Drozd, Wold, and ICS
4. Commissioning and re-commissioning – Ed Ziemet, Jeff Priess, Wold, and ICS

- **Project Specific**

1. High School – Monday status review meetings – Ed Ziemet, Jeff Priess, Jeff Pawlicki, Wold, and ICS
2. South Site – Monday status review meetings – Ed Ziemet, Jeff Priess, Jeff Pawlicki, Wold, and ICS

Supervision/Review:

Establish weekly supervisory/accountability meeting (Ed Ziemet, Jeff Priess, Mike Redmond/Dave Orlowsky, Wold, and ICS)

- Review project-specific open issues and current status
- Review project-specific open PR and punch list progress
- Review ancillary item progress and current status
- Review current budget status thru Jeff P. with all parties
- Communicate and schedule all necessary personnel site visits for the upcoming week

- C. Financial:** Based on the current billings and active contracts, ICS is willing to negotiate discounting our fees and reimbursables on the High School referendum project. Approximately \$218,725 of fees are still to be billed on this project.

ICS is proposing to not bill the District any of the remaining fees. At the end of the project, if the District is completely satisfied with the work of ICS, on its own discretion the district may pay ICS 50% of the fees not billed to ICS. ICS will also stop billing from this point forward any reimbursables on the High School project.

For the other remaining projects, ICS will execute and bill per our existing agreements.

The following is a summary of the active ICS projects:

Project Name	Project Mgr.	Total Fee	Billed JTD	Backlog	Reimbursables Billed JTD
Shakopee HS Referendum Project	Chris Ziemer	\$2,500,000.00	\$2,281,275.00	\$218,725.00	\$136,178.74
Shakopee HS Expansion Cx	Dana Fontaine	\$199,050.00	\$115,000.00	\$84,050.00	\$558.85
Eagle Creek Elementary Re-Cx	Dana Fontaine	\$35,000.00	\$8,500.00	\$26,500.00	\$263.26
Jackson Elementary Re-Cx	Dana Fontaine	\$35,000.00	\$8,500.00	\$26,500.00	\$349.35
Shakopee High School Re-Cx	Dana Fontaine	\$135,000.00	\$67,500.00	\$67,500.00	\$1,038.28
Shakopee HS – Low Voltage Project	Chris Ziemer	\$20,000.00	\$20,000.00	\$ -	\$24.18

For work completed by the independent accounting firm, ICS will reimburse the District up to a maximum of \$15,000.

 Arif Quraishi Date
 President- Building Systems Holding, Inc.
 Principal- ICS Consulting

 Scott Swanson-School Board Chair Date

 Shawn Hallett- School Board Clerk Date